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*** Bill No. ***

Introduced By *****

By Request of the (Agency or Department)

A Bill for an Act entitled: "An Act RESTORING THE STATUS OF AN INDEPENDENT CONTRACTOR EXEMPTION AS CONCLUSIVE PROOF OF A PERSON BEING AN INDEPENDENT CONTRACTOR; ALLOWING INDEPENDENT CONTRACTORS TO WAIVE THE BENEFITS OF THE WORKERS' COMPENSATION AND OCCUPATIONAL DISEASE LAWS; providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-105, MCA, is amended to read:

" **39-71-105. Declaration of public policy.** For the purposes of interpreting and applying Title 39, chapters 71 and 72, the following is the public policy of this state:

(1) It is an objective of the Montana workers' compensation system to provide, without regard to fault, wage supplement and medical benefits to a worker suffering from a work-related injury or disease. Wage-loss benefits are not intended to make an injured worker whole; they are

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intended to assist a worker at a reasonable cost to the employer. Within that limitation, the wage-loss benefit should bear a reasonable relationship to actual wages lost as a result of a work-related injury or disease.

(2) It is the intent of the legislature to allow independent contractors as defined in 39-71-120, to waive all rights and benefits provided by Montana's Workers' Compensation and Occupational Disease Acts. To offer an independent contractor more in payment for the independent contractor's services than is paid for identical work performed by an employee or for an independent contractor to work for a single entity does not violate the public policy of the State of Montana. The public policy set forth in this subsection recognizes and implements Article I, Section 3 of the Montana Constitution and the traditional Montana values of independence, initiative, self reliance and personal responsibility.

ALTERNATE SUBSECTION (2) It is the intent of the legislature to allow persons to waive the rights, benefits and obligations of the Montana Workers' Compensation Act and the Montana Occupational Disease Act if the person

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possesses a current valid independent contractor
certificate issued by the department.

~~(2)~~ (3) A worker's removal from the work force due to a work-related injury or disease has a negative impact on the worker, the worker's family, the employer, and the general public. Therefore, it is an objective of the workers' compensation system to return a worker to work as soon as possible after the worker has suffered a work-related injury or disease.

~~(3)~~ (4) Montana's workers' compensation and occupational disease insurance systems are intended to be primarily self-administering. Claimants should be able to speedily obtain benefits, and employers should be able to provide coverage at reasonably constant rates. To meet these objectives, the system must be designed to minimize reliance upon lawyers and the courts to obtain benefits and interpret liabilities.

~~(4)~~ (5) Title 39, chapters 71 and 72, must be construed according to their terms and not liberally in favor of any party.

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~~(5)~~ (6) It is the intent of the legislature that stress claims, often referred to as "mental-mental claims" and "mental-physical claims", are not compensable under Montana's workers' compensation and occupational disease laws. The legislature recognizes that these claims are difficult to objectively verify and that the claims have a potential to place an economic burden on the workers' compensation and occupational disease system. The legislature also recognizes that there are other states that do not provide compensation for various categories of stress claims and that stress claims have presented economic problems for certain other jurisdictions. In addition, not all injuries are compensable under the present system, as is the case with repetitive injury claims, and it is within the legislature's authority to define the limits of the workers' compensation and occupational disease system."

{*Internal References to 39-71-105:*
39-71-107 }

Section 2. Section 39-71-120, MCA, is amended to read:

" **39-71-120. Independent contractor defined.** (1) An "independent contractor" is one who ~~renders service in the~~

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~~course of an occupation and~~ holds a current independent contractor certificate issued by the department and.

AN ALTERNATE PROPOSAL WOULD BE TO LEAVE SUBSECTION (A) AND (B) IN THIS SECTION (a) has been and will continue to be free from control or direction over the performance of the services, both under the contract and in fact; and

(b) is engaged in an independently established trade, occupation, profession, or business.

~~(a) has been and will continue to be free from control or direction over the performance of the services, both under the contract and in fact; and~~

~~(b) is engaged in an independently established trade, occupation, profession, or business.~~

(2) ~~An individual~~ A person performing services for remuneration is considered to be an employee under this chapter unless the requirements of subsection (1) are met the individual person holds a current independent contractor certificate. A person who has an independent contractor certificate is not required to obtain workers' compensation insurance coverage for themselves, unless the person is required to obtain coverage pursuant to [new section 6(3)]. "

{Internal References to 39-71-120:

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39-8-102 39-72-102 }

Section 3. Section 39-71-401, MCA, is amended to read:

" **39-71-401. Employments covered and employments exempted.** (1) Except as provided in subsection (2), the Workers' Compensation Act applies to all employers, as defined in 39-71-117, and to all employees, as defined in 39-71-118. An employer who has any employee in service under any appointment or contract of hire, expressed or implied, oral or written, shall elect to be bound by the provisions of compensation plan No. 1, 2, or 3. Each employee whose employer is bound by the Workers' Compensation Act is subject to and bound by the compensation plan that has been elected by the employer.

(2) Unless the employer elects coverage for these employments under this chapter and an insurer allows an election, the Workers' Compensation Act does not apply to any of the following employments:

- (a) household and domestic employment;
- (b) casual employment as defined in 39-71-116;

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(c) employment of a dependent member of an employer's family for whom an exemption may be claimed by the employer under the federal Internal Revenue Code;

(d) employment of sole proprietors, working members of a partnership, working members of a limited liability partnership, or working members of a member-managed limited liability company, except as provided in subsection (3);

(e) employment of a real estate, securities, or insurance salesperson paid solely by commission and without a guarantee of minimum earnings;

(f) employment as a direct seller as defined by 26 U.S.C. 3508;

(g) employment for which a rule of liability for injury, occupational disease, or death is provided under the laws of the United States;

(h) employment of a person performing services in return for aid or sustenance only, except employment of a volunteer under 67-2-105;

(i) employment with a railroad engaged in interstate commerce, except that railroad construction work is included in and subject to the provisions of this chapter;

(j) employment as an official, including a timer, referee, umpire, or judge, at an amateur athletic event;

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(k) employment of a person performing services as a newspaper carrier or freelance correspondent if the person performing the services or a parent or guardian of the person performing the services in the case of a minor has acknowledged in writing that the person performing the services and the services are not covered. As used in this subsection, "freelance correspondent" is a person who submits articles or photographs for publication and is paid by the article or by the photograph. As used in this subsection, "newspaper carrier":

(i) is a person who provides a newspaper with the service of delivering newspapers singly or in bundles; but

(ii) does not include an employee of the paper who, incidentally to the employee's main duties, carries or delivers papers.

(l) cosmetologist's services and barber's services as defined in 39-51-204(1)(e);

(m) a person who is employed by an enrolled tribal member or an association, business, corporation, or other entity that is at least 51% owned by an enrolled tribal member or members, whose business is conducted solely within the exterior boundaries of an Indian reservation;

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(n) employment of a jockey who is performing under a license issued by the board of horseracing from the time that the jockey reports to the scale room prior to a race through the time that the jockey is weighed out after a race if the jockey has acknowledged in writing, as a condition of licensing by the board of horseracing, that the jockey is not covered under the Workers' Compensation Act while performing services as a jockey;

(o) employment of a trainer, assistant trainer, exercise person, or pony person who is performing services under a license issued by the board of horseracing while on the grounds of a licensed race meet;

(p) employment of an employer's spouse for whom an exemption based on marital status may be claimed by the employer under 26 U.S.C. 7703;

(q) a person who performs services as a petroleum land professional. As used in this subsection, a "petroleum land professional" is a person who:

(i) is engaged primarily in negotiating for the acquisition or divestiture of mineral rights or in negotiating a business agreement for the exploration or development of minerals;

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(ii) is paid for services that are directly related to the completion of a contracted specific task rather than on an hourly wage basis; and

(iii) performs all services as an independent contractor pursuant to a written contract.

(r) an officer of a quasi-public or a private corporation or manager of a manager-managed limited liability company who qualifies under one or more of the following provisions:

(i) the officer or manager is not engaged in the ordinary duties of a worker for the corporation or the limited liability company and does not receive any pay from the corporation or the limited liability company for performance of the duties;

(ii) the officer or manager is engaged primarily in household employment for the corporation or the limited liability company;

(iii) the officer or manager either:

(A) owns 20% or more of the number of shares of stock in the corporation or owns 20% or more of the limited liability company; or

(B) owns less than 20% of the number of shares of stock in the corporation or limited liability company if

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the officer's or manager's shares when aggregated with the shares owned by a person or persons listed in subsection (2)(r)(iv) total 20% or more of the number of shares in the corporation or limited liability company; or

(iv) the officer or manager is the spouse, child, adopted child, stepchild, mother, father, son-in-law, daughter-in-law, nephew, niece, brother, or sister of a corporate officer who meets the requirements of subsection (2)(r)(iii)(A) or (2)(r)(iii)(B).

(s) a person who is an officer or a manager of a ditch company as defined in 27-1-731;

(t) service performed by an ordained, commissioned, or licensed minister of a church in the exercise of the church's ministry or by a member of a religious order in the exercise of duties required by the order;

(u) service performed to provide companionship services, as defined in 29 CFR 552.6, or respite care for individuals who, because of age or infirmity, are unable to care for themselves when the person providing the service is employed directly by a family member or an individual who is a legal guardian;

(v) employment of a person who is not an employee or worker in this state as defined in 39-71-118(10);

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(w) employment of ~~an individual a person~~ who has a current independent contractor certificate;

(x) employment of persons identified by the department and listed by NCCI class codes and other relevant criteria that because of EDUCATION, training, skills, the exercise of independent judgment and/or PROFESSIONAL licensure are able to satisfy the provisions of [subsection (1) of new section 6].

(3) (a) A sole proprietor, a working member of a partnership, a working member of a limited liability partnership, or a working member of a member-managed limited liability company who represents to the public that the person is an independent contractor shall elect to be bound personally and individually by the provisions of compensation plan No. 1, 2, or 3, unless the individual person has waived the rights and benefits of the Workers' Compensation and Occupational Disease Acts by obtaining an independent contractor certificate from the department but may apply to the department for an exemption from the Workers' Compensation Act. An individual A person who has an independent contractor certificate may purchase a workers' compensation insurance policy and with the

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insurer's permission elect coverage for the certificate holder.

~~(b) The application must be made in accordance with the rules adopted by the department. There is a \$17 fee for the initial application. Any subsequent application renewal must be accompanied by a \$17 application fee. The application fee must be deposited in the administration fund established in 39 71 201 to offset the costs of administering the program.~~

~~———— (c) When an application is approved by the department, it is conclusive as to the status of an independent contractor and precludes the applicant from obtaining benefits under this chapter.~~

~~———— (d) The exemption, if approved, remains in effect for 2 years following the date of the department's approval. To maintain the independent contractor status, an independent contractor shall submit a renewal application every 2 years. The renewal application and the \$17 renewal application fee must be received by the department at least 30 days before the anniversary date of the previously approved exemption.~~

~~———— (e) A person who makes a false statement or misrepresentation concerning that person's status as an~~

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~~exempt independent contractor is subject to a civil penalty of \$1,000. The department may impose the penalty for each false statement or misrepresentation. The penalty must be paid to the uninsured employers' fund. The lien provisions of 39-71-506 apply to the penalty imposed by this section.~~

~~——— (f) If the department denies the application for exemption, the applicant may, after mediation pursuant to department rules, contest the denial by petitioning the workers' compensation court.~~

(4) (a) A corporation or a manager-managed limited liability company shall provide coverage for its employees under the provisions of compensation plan No. 1, 2, or 3. A quasi-public corporation, a private corporation, or a manager-managed limited liability company may elect coverage for its corporate officers or managers, who are otherwise exempt under subsection (2), by giving a written notice in the following manner:

(i) if the employer has elected to be bound by the provisions of compensation plan No. 1, by delivering the notice to the board of directors of the corporation or to the management organization of the manager-managed limited liability company; or

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(ii) if the employer has elected to be bound by the provisions of compensation plan No. 2 or 3, by delivering the notice to the board of directors of the corporation or to the management organization of the manager-managed limited liability company and to the insurer.

(b) If the employer changes plans or insurers, the employer's previous election is not effective and the employer shall again serve notice to its insurer and to its board of directors or the management organization of the manager-managed limited liability company if the employer elects to be bound.

(5) The appointment or election of an employee as an officer of a corporation, a partner in a partnership, a partner in a limited liability partnership, or a member in or a manager of a limited liability company for the purpose of exempting the employee from coverage under this chapter does not entitle the officer, partner, member, or manager to exemption from coverage.

(6) Each employer shall post a sign in the workplace at the locations where notices to employees are normally posted, informing employees about the employer's current provision of workers' compensation insurance. A workplace is any location where an employee performs any work-related

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act in the course of employment, regardless of whether the location is temporary or permanent, and includes the place of business or property of a third person while the employer has access to or control over the place of business or property for the purpose of carrying on the employer's usual trade, business, or occupation. The sign must be provided by the department, distributed through insurers or directly by the department, and posted by employers in accordance with rules adopted by the department. An employer who purposely or knowingly fails to post a sign as provided in this subsection is subject to a \$50 fine for each citation."

{Internal References to 39-71-401:

27-1-520	39-8-207	39-51-204	39-51-604
39-71-117	39-71-118	39-71-118	39-71-118
39-71-123	39-71-201	39-71-415	39-71-501
45-7-501	}		

Section 4. Section 39-71-409, MCA, is amended to read:

" **39-71-409. Waivers by employee invalid, exception.**

(1) ~~No~~ Except as provided in subsection (2), no agreement by an employee to waive any rights under this chapter for any injury to be received shall be valid.

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(2) ~~An individual~~ A person who elects to be an independent contractor and has a current independent contractor certificate issued by the department, waives all rights and benefits of the Workers' Compensation and Occupational Disease Acts.

(3) A waiver by reason of an independent contractor certificate is an exception to the general prohibition of waiving the advantage of a statute enacted for a public reason as provided for in 1-3-204."

{*Internal References to 39-71-409:*
39-72-402 }

Section 5. Section 39-71-415, MCA, is amended to read:

" **39-71-415. Procedure for resolving disputes regarding independent contractor status.** (1) If an individual, employer, or insurer has a dispute as to whether an individual is an independent contractor or an employee, as defined in this chapter, any party may, after mediation pursuant to department rules, petition the workers' compensation court for resolution of the dispute.

(2) If a claimant and insurer have a dispute over benefits and the dispute involves an issue of whether the claimant is an independent contractor or employee, as

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defined in this chapter, and after mediating pursuant to department rule, either party may petition the workers' compensation judge for resolution of the dispute in accordance with 39-71-2905.

(3) A dispute between an employer and the department involving the issue of whether a worker is an independent contractor or an employee, but not involving workers' compensation benefits, must be brought before the independent contractor central unit of the department for resolution. A decision of the independent contractor central unit is final unless a party dissatisfied with the decision appeals by filing a petition with the workers' compensation court ~~for mediation within 10 days of service of the decision. A party may petition the workers' compensation court for resolution of the dispute within 45 days of the mailing of the mediator's report.~~ **[AN APPEAL TIME NEEDS TO BE INSERTED HERE 10 DAYS? 30 DAYS(CONSISTENT WITH ANOTHER APPEAL TIME) 45 DAYS?]** An appeal from the independent contractor central unit to the workers' compensation court brought pursuant to this part is a new proceeding.

(4) Notwithstanding the provisions of subsection (1), ~~an individual~~ **a person** may apply to the department for an

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~~exemption from the Workers' Compensation Act~~ independent contractor certificate in accordance with ~~39-71-401~~ [new section 6]."

{*Internal References to 39-71-415:*
39-51-1109 }

NEW SECTION. Section 6. Independent contractor certification. (1) A sole proprietor, a working member of a partnership, a working member of a limited liability partnership, or a working member of a member-managed limited liability company may apply to the department for an independent contractor certificate. The application must be made in accordance with rules adopted by the department. The application must be accompanied with a \$200 application fee. The application fee is nonrefundable and must be deposited in the administration fund established in 39-71-201 to offset the costs of administering the program. To obtain an independent contractor certificate, the applicant must swear and acknowledge that the applicant:

(a) has been and will continue to be free from control or direction over the performance of the services, both under contract and in fact; and

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(b) is engaged in an independently established trade, occupation, profession, or business and will provide sufficient documentation to the department to prove the same.

(2) Except as provided in subsection (3), individuals who meet the requirements of subsection (1), and receive an independent contractor certificate, are not required to obtain workers' compensation insurance coverage on themselves.

AN ALTERNATE PROPOSAL IS TO MOVE THE SUBSTANCE OF THIS SUBSECTION INTO SECTION 2. ~~(2) Except as provided in subsection (3), individuals who meet the requirements of subsection (1), and receive an independent contractor certificate, are not required to obtain workers' compensation insurance coverage on themselves.~~

(3) An applicant who cannot provide sufficient documentation to the department to satisfy subsection (1)(b), may receive an independent contractor certificate after purchasing and electing to be covered by a policy of workers' compensation insurance.

(4) An applicant for independent contractor certification must submit an application, under oath, on a form prescribed by the department providing:

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- (a) the applicant's name and address;
- (b) the applicant's social security number;
- (c) the occupation the applicant is seeking independent contractor certification for; and
- (d) other documentation in accordance with department rules that assists in determining whether the applicant has an independently established business.

(5) The department shall issue an independent contractor certificate after it is satisfied that the requirements of this section are met by a person an individual.

(6) When the department approves an application, it is conclusive as to the status of ~~an individual~~ a person as an independent contractor who has waived all rights and benefits under the Workers Compensation and Occupational Disease Acts precluding the applicant from obtaining benefits under those Acts.

(7) Once issued, the independent contractor certificate remains in effect for two years unless suspended or revoked pursuant to [section 7] or unless a shorter time is specified in the certificate for ~~individuals~~ persons receiving a certificate pursuant to subsection (3).

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(8) If the department denies an application for independent contractor certification, the applicant may contest the denial by petitioning the workers' compensation court within 30 days of the date of the denial. **DO WE WANT TO SIMPLY X-REF 415(1) HERE???**

NEW SECTION. Section 7. Suspension, revocation of independent contractor certificate. (1) An independent contractor certificate may be suspended ~~or revoked for any of the following reasons:~~ by the department for

~~(a) The department may suspend a certificate relating to~~ a specific business relationship if the department determines that the employing unit exerts or retains a right of control to such a degree that would cause a certificate holder to violate the provisions of [new section 6(1)(a)].

(2) An independent contractor certificate may be revoked by the department if it determines that:

~~(b) The department may revoke an independent contractor certificate if it determines that (a)~~ the certificate holder made misrepresentations in the application affidavit form or renewal form;
;

~~(c) The department may revoke an independent contractor certificate if it determines (b)~~ the certificate

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holder altered or amended the application form, renewal application form or other supporting documentation required by the department ~~;~~;

~~(d) The department may revoke an independent contractor certificate if~~ (c) the certificate holder fails to maintain workers' compensation insurance for a certificate issued pursuant to [new section 6(3)] ~~;~~; or

~~(e) The department may revoke an independent contractor certificate if~~ (d) the certificate holder fails to cooperate with the department in providing information relevant to the continued validity of the holder's certificate.

~~(2)~~ (3) A decision by the department to suspend or revoke an independent contractor certificate takes effect upon notice to the hiring agent of the issuance of the decision. Suspension or revocation of the independent contractor certificate does not invalidate the certificate holder's waiver of the rights and benefits of the Workers' Compensation and Occupational Disease Acts for the period prior to notice to the hiring agent of the decision to suspend or revoke the independent contractor certificate.

(3) A decision by the department to suspend or revoke an independent contractor certificate may be appealed in

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the same manner provided in [new section 6(8)] for denial of an application for an independent contractor certificate. DO WE WANT TO X-REF 415(1) HERE AS WELL??

NEW SECTION. Section 8. Independent Contractor

Violations. (1) ~~It is a violation of this section for an independent contractor to:~~ A person may not:

(a) perform work as an independent contractor without either electing to be bound personally and individually by the provisions of compensation plan No, 1, 2, or 3, or obtaining from the department an independent contractor certificate;

(b) perform work as an independent contractor when the independent contractor's certificate has been revoked, denied or suspended by the department;

(c) transfer to another ~~individual~~ person or to allow another ~~individual~~ person to use an independent contractor certificate that was not issued to that ~~individual~~ person;

(d) alter or falsify an independent contractor certificate;

(e) misrepresent the person's status as an independent contractor; or

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(f) misrepresent the person's status as an independent contractor by filing a claim for benefits under the Workers' Compensation or Occupational Disease Acts or filing a claim for wages and fringe benefits as an employee ~~unless the employer agrees that the person is an employee~~ or unless the employing unit has notice that the person's independent contractor certificate is suspended, revoked [SHOULD THE EXPIRED REFERENCE BE HERE?] or expired during the time that benefits are claimed.

(2) ~~It is a violation of this section for an employer as defined in 39-71-117, to:~~ An employer may not:

(a) require an employee through coercion, misrepresentation or fraudulent means to adopt independent contractor status in order to avoid the employer's obligations to provide workers' compensation insurance coverage;

[CONSIDER WHETHER SUBSECTION (b) SHOULD BE HERE] (b) require an independent contractor to work exclusively for the employer; or

(c) provide tools or equipment to an independent contractor of substantial value as defined by department rule.

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(3) In addition to any other penalty or sanction provided in this chapter, ~~an individual~~ a person who violates a provision of this section is subject to a ~~penalty~~ fine of up to \$1,000 per violation to be assessed by the department. ~~Penalties~~ Fines are to be deposited in the uninsured employers' fund and the lien provisions of 39-71-506 apply to ~~penalty assessments~~ any fines assessed.

(4) ~~An individual~~ A person or employer who disputes a department ~~penalty~~ assessed fine pursuant to this section may file an appeal with the department within 30 days of the date of the ~~penalty~~ fine assessment. If, after mediation, the issue is not resolved, the file must be transferred to the Workers' Compensation Court for resolution.

NEW SECTION. **Section 9. Independent contractor certificate exception.** (1) An independent contractor certificate issued pursuant to [new section 6] is available to individual persons and is not available for business entities such as corporations, partnerships or limited liability companies.

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(2) Notwithstanding this section, any person who wishes to obtain an independent contractor certificate and meets the requirements of [new section 6] may obtain one.

(3) As used in this section, an "owner" means a sole proprietor, working member of a partnership, working member of a limited liability partnership, or working member of a member managed limited liability company.

(4) The following owners of business operations ~~generally do~~ do not have to obtain the independent contractor certificate provided for in [new section 6];

(a) owners who are covered by a workers' compensation insurance policy for the work performed;

(b) owners who provide their own fixed regular commercial business location out of which they render services to the public at large;

(c) owners who use their home as their fixed regular commercial business location, only if the owner is able to meet the Internal Revenue Service criteria to claim a business deduction for their home business location on their federal and state tax returns; and

(d) owners who practice in ~~the learned~~ licensed professions such as medicine, law, and accounting, who provide their own business location but may periodically be

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called upon to render services ~~to their customers at the customer's location~~ at other locations.

(5) The following owners ~~are required to~~ must have the independent contractor certificate provided for in [new section 6]:

(a) ~~any~~ an owner of a business who represents to the public that the owner is an independent contractor, regardless of whether the owner has any other employees;

(b) an owner of a business, not falling within the provisions of subsection (4), where the owner primarily provides personal services for commercial customers at the customer's place of business; and

(c) an owner of a business, not falling within the provisions of subsection (4), where the owner primarily provides personal services for commercial customers, where the services provided are substantially similar to the customer's business operations.

[AN ALTERNATE PROPOSAL IS TO HAVE NEW SECTION 9] NEW SECTION. Section 9. Independent contractor certificate

exception. (1) An independent contractor certificate issued pursuant to [new section 6] is available to individual persons and is not available for business

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entities such as corporations, partnerships or limited liability companies.

(2) Notwithstanding this section, any person who wishes to obtain an independent contractor certificate and meets the requirements of [new section 6] may obtain one.

(3) Only a person in service to an employer under any appointment or contract of hire express or implied, oral or written, unless the employment is exempted under 39-71-401 or the person is an independent contractor under [new section 6] is an employee as defined by 39-71-118, of an employer, as defined in 39-71-117.

NEW SECTION. Section 10. {standard} Codification.

[Sections "6, 7, 8 and 9"] are intended to be codified as an integral part of Title 39, chapter 71, part 4, and the provisions of Title 39, chapter 71, part 4, apply to [sections "6, 7, and 8"].

NEW SECTION. Section 11. {standard} Effective date.

[This act] is effective July 1, 2005. **CONSIDER AN APPLICABILITY DATE AND HOW IT IS TO READ. DO YOU WANT TO HAVE THESE PROVISIONS APPLY TO CONTRACTS ENTERED INTO AFTER THE EFFECTIVE DATE? APPLY TO INJURIES OCCURRING AFTER THE**

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EFFECTIVE DATE? APPLY TO IC EXEMPTIONS ISSUED AFTER THE

EFFECTIVE DATE?

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